

SPECIAL EDUCATION IN NEVADA



February 2009

**Nevada Department of Education
Office of Special Education, Elementary and Secondary
Education, and School Improvement Programs**

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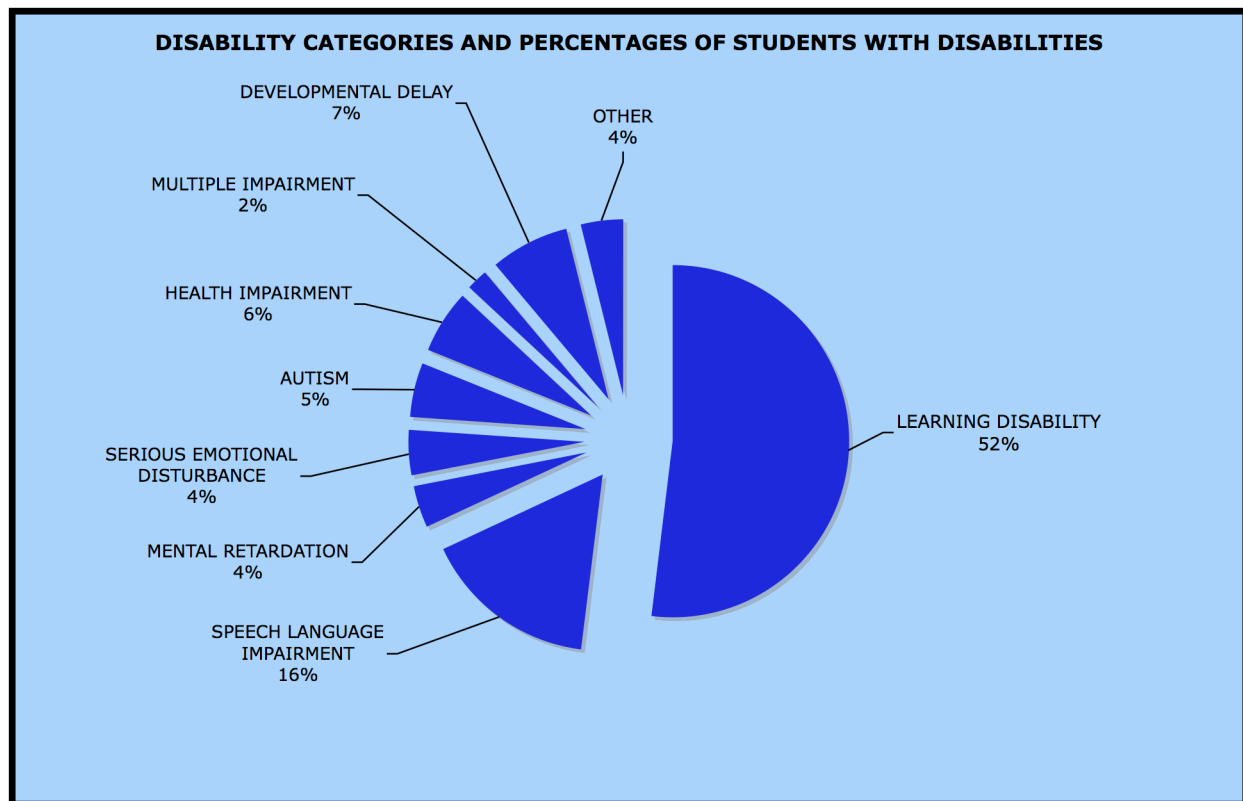
SPECIAL EDUCATION IN NEVADA

INTRODUCTION

This paper explores special education services in Nevada's local school districts. It explains the populations of students served, the nature of the services provided, the mechanisms used to fund those services, and the challenges ahead. Finally, the paper describes the Nevada State Board of Education's legislative proposal to enhance state funding for programs serving students with disabilities.

SPECIAL EDUCATION DISABILITY CATEGORIES

Under federal and state law, each student with a disability is entitled to receive a free appropriate public education (FAPE). Special education programs in Nevada serve students with identified disabilities in one of the twelve categories established in Nevada Revised Statutes, Chapter 388. School districts must provide the services necessary to assure FAPE for all students with disabilities, without regard to the adequacy of state revenues to support the costs. The relative percentage of students in various disability categories is depicted in the chart below:



KEY POINTS:

- Students with learning disabilities, speech/language impairments, and health impairments comprise 74% of Nevada's students with disabilities; more than two-thirds (68%) of these students spend at least 80% of their school day in regular classrooms.
- Students in the "Other" category include those with visual and hearing impairments, orthopedic impairments, and traumatic brain injuries.
- The relative percentage among disability categories has remained stable over time.
- Parents, teachers, school psychologists, and other specialists comprise the teams that make special education eligibility decisions.

SPECIAL EDUCATION PROGRAMS

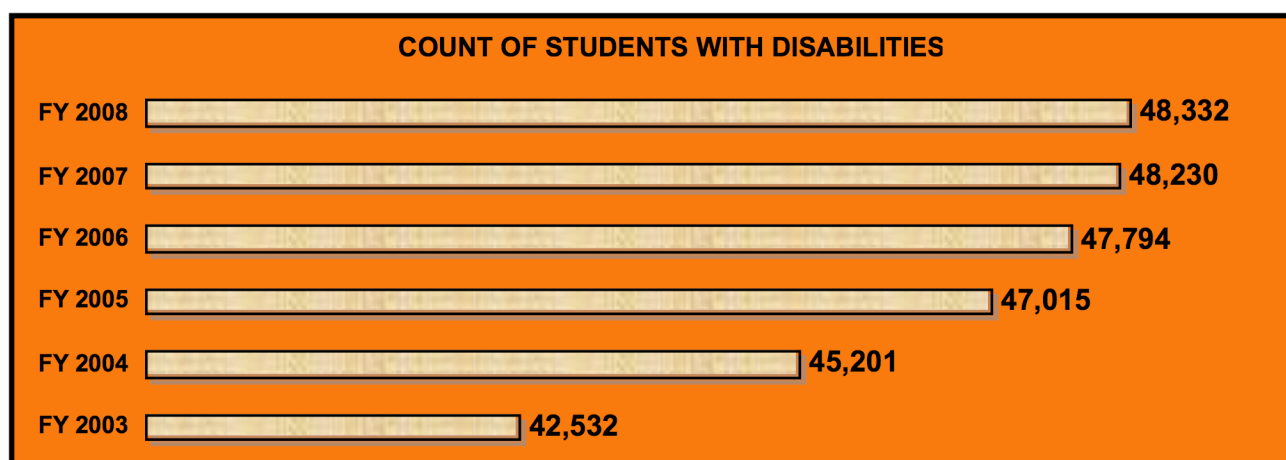
According to law, "special education" means "specially designed instruction, at no cost to parents, to meet the unique needs of a child with a disability." The instruction can be provided in many locations including the general education classroom in a consultative or co-teaching model; a resource room in a "pull out" model; a self-contained program; a special school; a hospital or home setting; or a residential school. Regardless of the location, the program must be provided in accordance with an annual Individualized Educational Program (IEP) developed by parents and educators. The law requires that students with disabilities be served in the "least restrictive environment" which means that removal of the student from the regular educational environment must be based upon the student's unique needs and justified through the IEP process.

Students are entitled to receive "related services" if those services are necessary to assist the student to benefit from special education. Related services are defined in federal regulations as "transportation and such developmental, corrective, and other supportive services as are required to assist a child with a disability to benefit from special education, and includes speech-language pathology and audiology services, interpreting services, psychological services, physical and occupational therapy, recreation, including therapeutic recreation, early identification and assessment of disabilities in children, counseling services, including rehabilitation counseling, orientation and mobility services, and medical services for diagnostic or evaluation purposes. Related services also include school health services and school nurse services, social work services in schools, and parent counseling and training." Most special education students receive instruction from general education teachers in regular classrooms, in addition to related services and specially designed instruction from special educators.

Parents have access to an extensive and complex bundle of rights conferred by law, generally referred to as "procedural safeguards." Procedural safeguards include the right to notice and consent regarding many specific educational decisions. In addition, when disagreements arise between parents and school districts about the special education services offered to students, parents may access informal mediation, formal due process hearings, and the court system.

STUDENT POPULATIONS

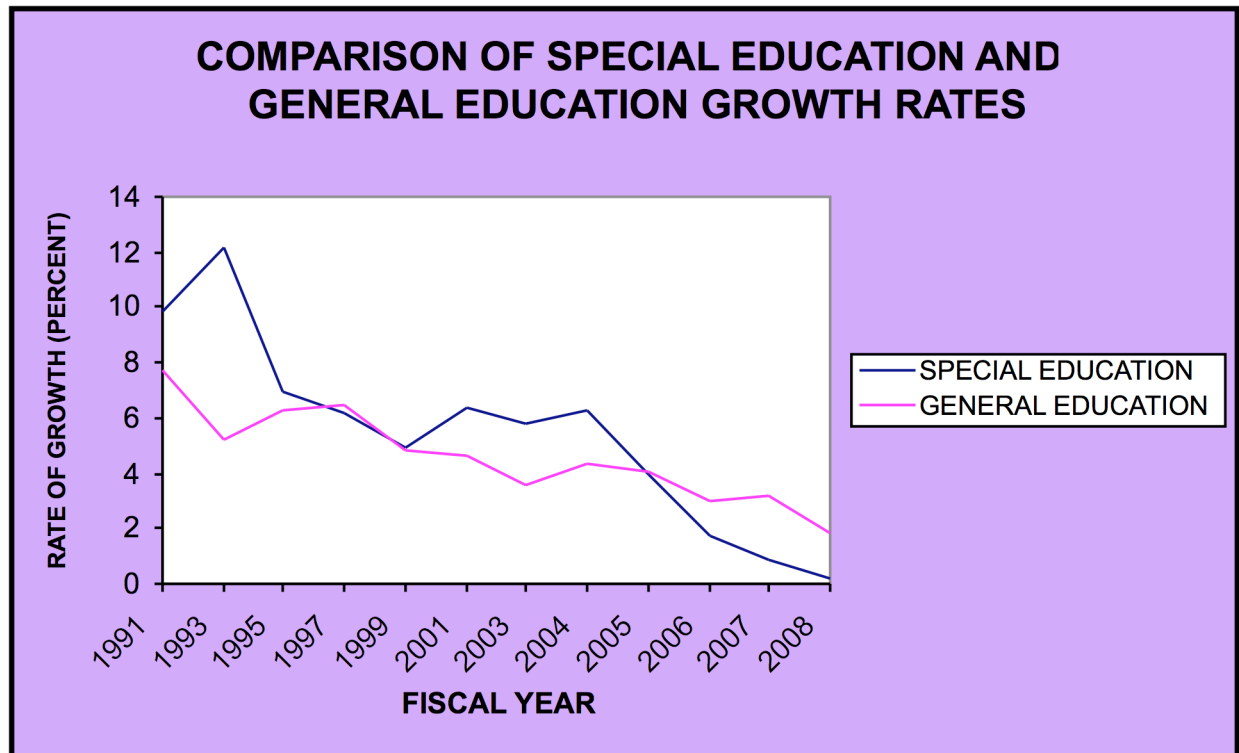
Nevada's fiscal year 2008 count of students with disabilities on December 1, 2007, was 48,332; growth over the past six years is shown below:



KEY POINTS:

- ➔ In the three years between FY 2001 and FY 2004, the number of students with disabilities increased 18%.
- ➔ In the last three years (FY 2005 – FY 2008), the number of students with disabilities increased only 2.8%.
- ➔ Nevada special education population as a percentage of total school enrollment consistently ranks in the lowest quartile among the 50 states.

Until the most recent fiscal year, the rate of growth in special education populations has generally been higher than the rate of growth in general education populations. These trends are shown below:

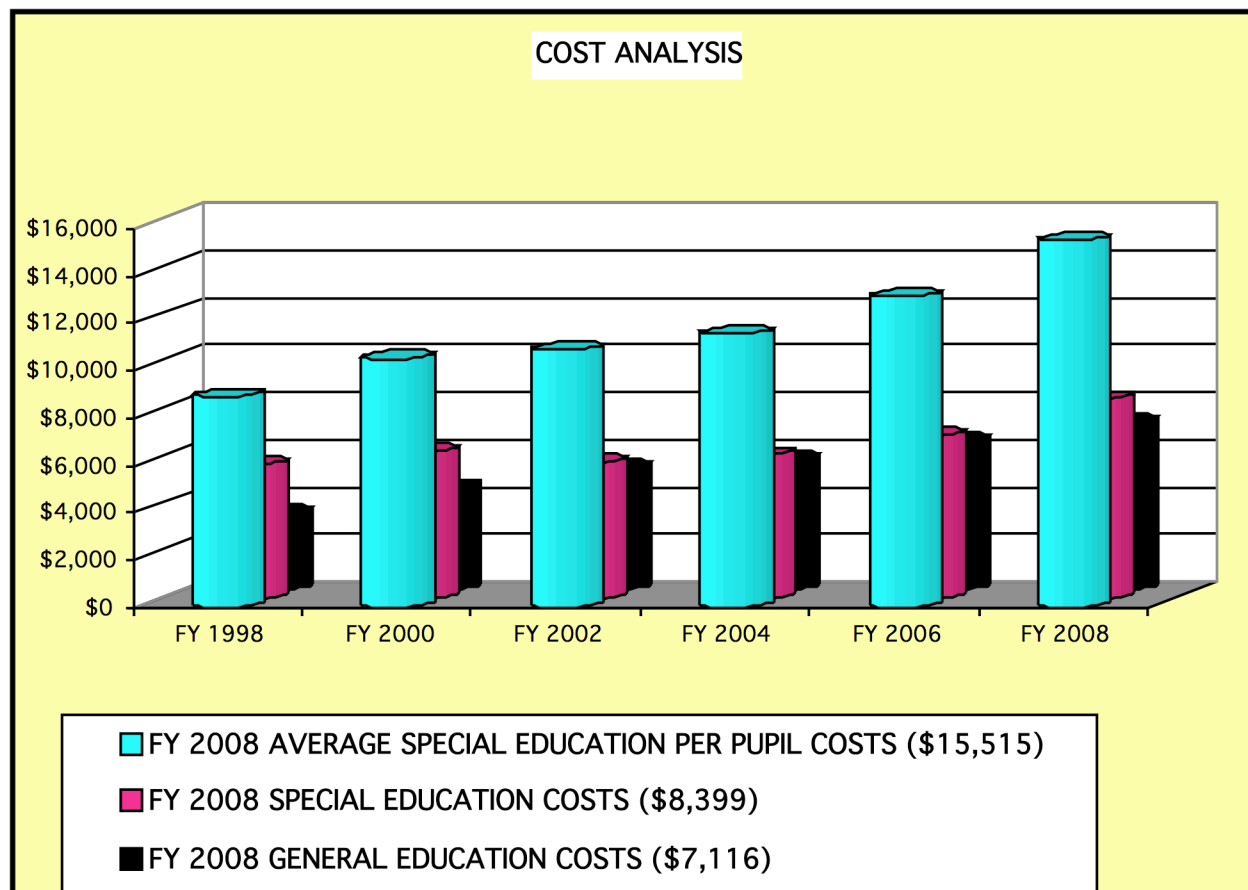


KEY POINTS:

- ➔ Between 1997 and 1999, growth rates in special education and general education populations were nearly identical (approximately 6% in FY 1997 and 5% in FY 1999).
- ➔ The special education growth rate in the early 1990s was elevated as the result of the new mandate to serve students with disabilities at the age of three.
- ➔ During 2001-2004, special education populations increased at a higher rate than general education populations (4.3% general education growth rate compared to 6.3% special education growth rate in FY 2004).
- ➔ In FY 2005, the growth rates for general education (4.1%) and special education (4.0%) were nearly identical.
- ➔ In FY 2006, the growth rate for special education (1.7%) decreased significantly from previous years, and was lower than the growth rate for general education (3.0%).
- ➔ In FY 2007, the growth rate for special education was 0.9%, while the growth rate for the general education population was 3.2%.
- ➔ In FY 2008, the special education population growth rate was only 0.2%; the growth rate for the general population declined as well (1.8% in FY 2008 compared to 3.2% the previous year).

COSTS OF EDUCATING SPECIAL EDUCATION STUDENTS

In FY 2008, the cost of educating students with disabilities was approximately 2.2 times the cost of educating students in the general population. This includes both the general education as well as specialized program costs for students with disabilities. Costs associated with providing mandated special education and related services include the following expenses: salaries and benefits, student evaluations, speech therapy, physical therapy, counseling, specialized equipment, regular and specialized transportation, costs associated with general classroom participation, materials, supplies, and the educational costs not unique to special education, such as utilities, maintenance, and administration.



KEY POINTS:

- ➔ 85% of Nevada's students with disabilities spend at least 40% of their school day in the regular education environments; as a result, costs associated with general education programs are included in the average special education expenditure per student.
- ➔ Although the dollar amounts have grown over time, the average per pupil expenditure for Nevada special education students is approximately 2.2 times the average expenditure for a general education student—a rate consistent with national data.¹

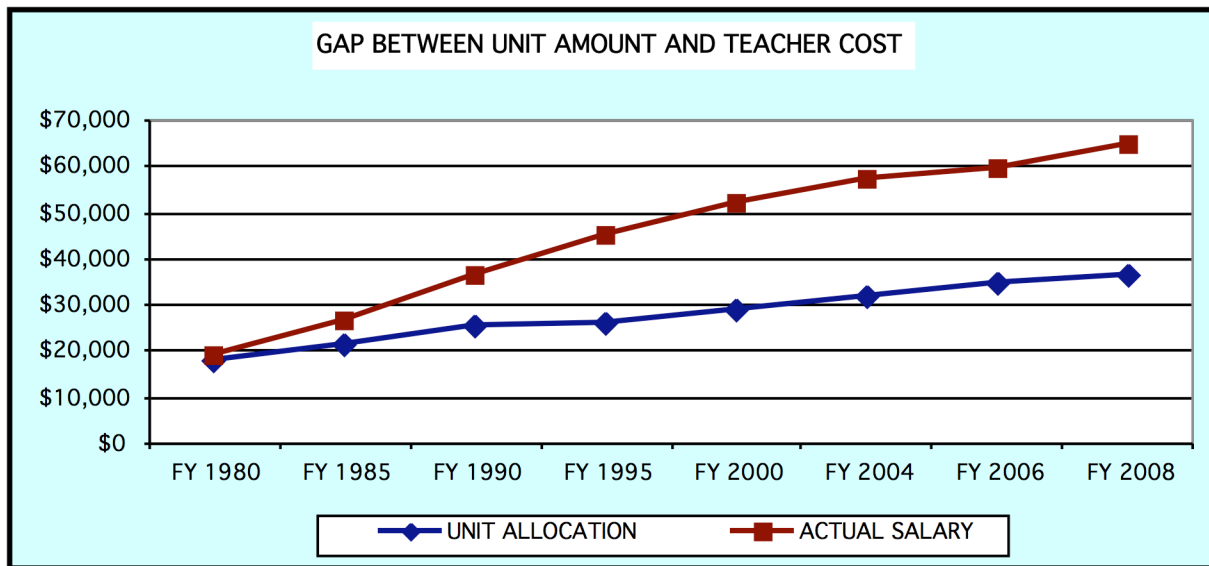
SPECIAL EDUCATION FUNDING

Since 1973, state law has provided a "unit" funding mechanism to enable school districts to operate specialized educational programs for students with disabilities. Nevada Revised Statutes §387.1221 defines a unit as "an organized unit of special education and related services which includes full-time services of persons licensed by the superintendent of public instruction or other appropriate licensing body, providing a program of instruction in accordance with minimum standards prescribed by the state board."

¹ Center for Special Education Finance, Special Education Expenditure Project, Report #1, Updated June 2004.

In the early 1970s, units were funded in a number that met the population's needs, and for an amount per unit that approximately equaled the average special education teacher's salary and benefits. At that time, state units covered the salaries and benefits of special education teachers, and additional expenses for related services (therapies, transportation, equipment, etc.) were covered by state and local funds in the basic support guarantee, federal funds, and supplemental local funds as necessary.

Over time the unit funding has not kept pace with the actual number of units operating or with the growth in teachers' salaries and benefits. The chart below shows the widening gap between the amount of per unit funding and the average special education teacher's salary and benefits:



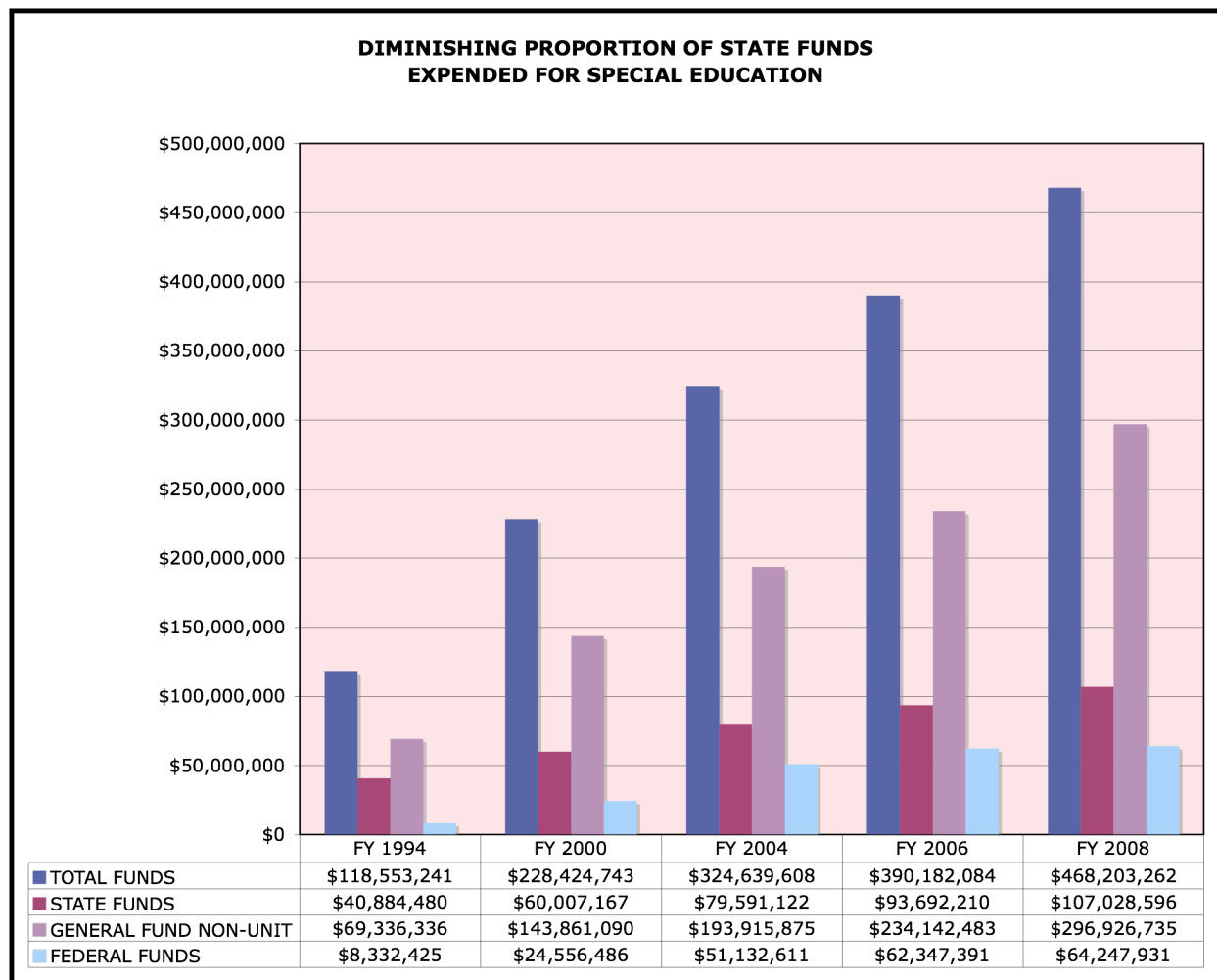
KEY POINTS:

- ➔ In FY 1980, the amount appropriated for each unit covered 95% of an average teacher's salary and fringe benefits; in FY 2008 the unit covered only 57% of these costs (down from 58% in FY 2006).
- ➔ For every state unit operated in a local school district in FY 2008, the district used an average of \$27,987 in local funds to supplement the state funding.

The table below lists special education unit funding approved by the legislature over the last ten years:

FISCAL YEAR	SPECIAL EDUCATION UNITS
FY09	3,128 @ \$38,763
FY08	3,046 @ \$36,541
FY07	2,953 @ \$35,122
FY06	2,835 @ \$34,433
FY05	2,708 @ \$32,447
FY04	2,615 @ \$31,811
FY03	2,514 @ \$30,576
FY02	2,402 @ \$29,977
FY01	2,291 @ \$29,389
FY00	2,186 @ \$28,813

Also, the number of units funded by the state has been less than the number of units operated by local school districts. As a result, local school districts have used an ever-increasing amount of local funds to support the costs of special education. Trends during the last 14 years are shown below:



KEY POINTS:

- ➔ In FY 1988, state funds covered about 56% of the cost of special education.
- ➔ By FY 1994, the state share had lowered to 35%; in FY 2008, the state share was only 23%.
- ➔ In 20 years between 1988 and 2008, the state share of special education funding diminished by more than one-half.
- ➔ In FY 2008, \$64,247,931 in federal funding was available to school districts to support special education programs. This amount represents 13.7% of the total state, general fund non-unit, and federal funds expended (down from 16% in FY 2006). In FY 2000, federal funds represented 10.7% of total state, general fund non-unit, and federal funds expended. In fiscal years 1994, federal funds represented approximately 7% of total expenditures.
- ➔ Although state special education funds are distributed "equitably" among the local school districts, the diminishing level of support creates a vulnerability to legal challenges on the basis of "adequacy."

STATE BOARD OF EDUCATION PROPOSAL

Funding for special education is a shared responsibility. Even as the number of units and the amount per unit are increased, local funds continue to support expenditures for related services and therapies, instructional aides, curricula and materials, equipment and assistive technology, and other items necessary to assure that each student with a disability is provided a free appropriate public education. As described below, the Nevada State Board of Education has projected an increase in the number of units allocated and an increase in the amount of funding per unit for the next biennium. Please note: The projected number of units and an increase in the amount of funding per unit may be subject to change based upon the Governor's recommendation and the actions of the 2009 Legislature.

Special Education Unit Request

FY 2010 = 3,152 @ \$39,538 = \$124,623,776

FY 2011 = 3,182 @ \$40,329 = \$128,326,878

CHALLENGES AND PRIORITIES

Since the 1997 Nevada Legislature passed the *Nevada Education Reform Act*, the state has established rigorous content standards and raised the expectations for student performance. Schools and districts are more accountable for student performance than at any time in the past. The challenges faced by districts reach beyond the resources available to meet the diverse needs of their student populations.

With the 2001 passage of the federal *No Child Left Behind Act* (NCLB), accountability for the performance of students with disabilities increased significantly in schools receiving federal Title I funding. The 2003 Nevada Legislature strengthened school accountability requirements through extending many of the NCLB requirements to all schools within the state.

Under NCLB, 95% of each school's students with disabilities must participate in statewide assessments, and the performance of these students is incorporated into the analysis of whether a school is making "adequate yearly progress" (AYP) under NCLB. To determine AYP, the performance of the school as a whole is analyzed, as is the performance of each subgroup, including the subgroup of students with disabilities. There are many consequences for schools that do not make AYP, ranging from the need to engage in school improvement planning after the first year of failing to make AYP, to an eventual school restructuring. In addition, Title I schools must offer school choice after the second year of failing to make AYP.

The requirements of NCLB created additional challenges for school districts as they serve students with disabilities. School officials must safeguard individualized decision-making, based on the unique needs of individual students with disabilities, within the NCLB focus on "research-based" programs designed to improve large-group performance. In addition, the NCLB requirements for highly qualified staff affect training and licensing for professionals and paraprofessionals who work with students with disabilities. These and other NCLB requirements create additional expenses and challenges for school districts as they work to improve the performance of students with disabilities.

In addition to the financial challenges faced by the state and districts in meeting all of the accountability requirements, limited revenues and general fund budgetary reductions at the state and local level pose further challenges. Under the IDEA, state and local education agencies must not reduce the level of expenditures from state and local funding sources for educating students with disabilities served under Part B of the Act below the level of expenditures for the preceding fiscal year. This stringent federal requirement will add to the already overwhelming fiscal challenge faced by Nevada in providing or even maintaining a minimum level services for students with disabilities.

CONCLUSION

These are challenging times for Nevada's public education system. Growing demands for a variety of publicly supported services threaten the availability of funds for education. Funding shortages jeopardize the adequacy of finances for specific educational programs competing for limited education dollars while districts try to fulfill state and federal mandates.

In spite of these shortages, it is critical in this era of heightened expectations for the achievement of all students, and the elimination of performance gaps among student subpopulations, that we move forward and not lose gains already made. We must improve academic results for students with disabilities, while maintaining the progress we have made in providing the unique educational opportunities necessary for students with disabilities to become independent and productive citizens. Finally, we must make the financial investments needed to accomplish these most important goals.